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Follow-up to the recommendations of the Permanent Forum

Human rights

Information received from Governments

United Republic of Tanzania

I. Introduction

1. The African Commission on Human and Peoples' Rights, in a report entitled *Indigenous Peoples in Africa: the Forgotten Peoples?*,[1] defined the indigenous peoples of the United Republic of Tanzania as the Hadzabe (semi-nomadic hunter-gatherers/small-scale agriculturalists), the Akie (hunter-gatherers), the Maasi (pastoralists) and the Barabaig (pastoralists) (p. 16).

II. Facilitating factors for implementation of the recommendations of the Permanent Forum on Indigenous Issues

2. The readiness and commitment of the Government of the United Republic of Tanzania with respect to engaging in constructive dialogue on the issue of indigenous issues constitute a facilitating factor. Some of the recommendations may be included in policies so as to make them implementable. Policies that favour the indigenous are already in place (for example, the land policy). A periodic human rights report is issued, which provides a picture of what the country is doing to implement human rights.

* E/C.19/2009/1.

[1] Banjul and Copenhagen, African Commission on Human and Peoples' Rights and International Work Group for Indigenous Affairs, 2006.

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III. Government laws, policies or other similar tools for addressing indigenous issues in the United Republic of Tanzania

3. The Commission for Human Rights and Good Governance is empowered to, inter alia, investigate gross human rights violations and provide redress and compensation to the victims.

4. The National Land Policy is based on the following fundamental principles: recognition of customary land rights of the marginalized, inclusion of minorities in land management decisions, fair and prompt compensation for persons whose land occupancy has been revoked by the Government, and adjudication of land matters in special land tribunals.

5. Under the Land Act and the Village Land Act, the central Government has devolved land issues to local governments. The Government cannot dispose of village land without having consulted with the local communities. The Village Land Act provides mechanisms for consultation with the village councils, members of which are elected by the people of the area. The composition of such councils must include women and youth. Along the same lines, the village council cannot allocate land or grant a customary right of occupancy without the prior approval of the village assembly.

6. The Environmental Management Act, inter alia, provides for the protection, conservation and preservation of the environment. The Act also provides for the protection of wetlands, the conservation of biodiversity, the measure of climate change, etc. Furthermore, it calls for public participation in decision-making on issues concerning the environment. Under the Act, an obligation is imposed on developers of projects to undertake an environmental impact assessment.

7. The Government has been working with non-governmental organizations to encourage and build the awareness among minorities of their rights including the right to utilize alternative means of survival, for example, farming instead of hunting. Other measures aim at ensuring that they are accorded equal treatment in the socio-economic development of the country, for example, through the introduction of activities generating economic development for minorities living in controlled areas, such as cultural tourism among the Maasai of the Ngorongoro area.

8. The Government of the United Republic of Tanzania has always carried out a policy of affirmative action to assist its minority population. This policy has enabled people from minority groups to be educated. For example, affirmative action has been introduced in secondary and higher education to assist children from minority groups.

9. The Government has always encouraged minorities to participate in politics; in fact, some have held the very high-level portfolios of prime ministers, ministers, regional commissioners, district commissioners, etc. Such participation has also included voting in or contesting elections.

10. The Government has taken positive measures to provide necessary social amenities. Social services, such as schools and hospitals, have been established in nomadic areas for minority groups like the Hadzabe.

IV. Poverty

11. The Government of the United Republic of Tanzania has introduced various policies to address the eradication of poverty, a sine qua non for the protection, promotion and enjoyment of human rights, such as Vision 2025 for the mainland United Republic of Tanzania and Vision 2020 for Zanzibar. The Government has also put in place the National Strategy for Economic Growth and Reduction of Poverty in the mainland United Republic of Tanzania and Zanzibar, which is aimed at alleviating poverty. Within these strategies, national resources are budgeted and allocated to various actors within society. These strategies accord priority to poverty reduction and are monitored by the poverty monitoring system, which assesses their implementation through a participatory approach.

V. Focal point for indigenous issues

12. These issues are handled by the Ministry of Information, Culture and Sports, and the Ministry for Local Government. On the other hand, the entity responsible for reporting on the implementation of economic, social and cultural rights is the Department of Constitutional Affairs and Justice.